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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,537

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Dina Katsir

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EXAMINER

ROE, JESSEE RANDALL

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/730,537

Applicant(s)

KATSIR ET AL.

Examiner

Jessee Roe

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Claims***

Claims 1 and 3-24 are pending wherein claims 1, 3, 5-8, and 11-17 are amended; claim 2 is canceled; and claims 18-24 are withdrawn from consideration.

### ***Status of Previous Rejections***

The previous rejection of claims 1, 3-4, 7, 9, 11 and 13-16 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ue et al. (US 5,733,661) is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 1 and 3-4 under 35 U.S.C. 103(a) as being unpatentable over Hand (US 3,203,793) is withdrawn in view of the Applicant's arguments. The previous rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Hand (US 3,203,793), and further in view of Brown et al. (US 3,331,993) is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Hand (US 3,203,793), and further in view of Brown (US 3,331,993) and Power (US 2,989,447) is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 5, 8, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Ue et al. (US 5,733,661), and further in view of Yaholom (US 5,382,347) is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Ue et al. (US 5,733,661), and further in view of Yaholom (US 5,382,347) and Power (US 2,989,447) is withdrawn in

view of the Applicant's amendments to the claims. The previous rejections of claims 5-8 and 11-15 under 35 U.S.C. 112 2<sup>nd</sup> paragraph as having insufficient antecedent basis in the claims is withdrawn in view of the Applicant's amendments to the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ue et al. (US 5,733,661).

Claims 15-16 are rejected on the same grounds as set forth in the Office Action of 13 July 2007.

In regards to the amended features of claims 15-16, the Examiner asserts that the change from "a porous layer" to "a porous coating" would not change the scope of the claim, but resolved the previous rejection of the claims under 35 U.S.C. 112 2<sup>nd</sup> paragraph as having insufficient antecedent basis in the claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ue et al. (US 5,733,661) as applied to claim 15, and further in view of Yaholom (US 5,382,347).

Claim 17 is rejected on the same grounds as set forth in the Office Action of 13 July 2007.

In regards to amended features of claim 17, Yaholom ('347) discloses subjecting the metal twice to anodic oxidation each time followed by a thermal treatment (annealing), and finally again to anodic oxidation to produce protecting layers (abstract and col. 4, lines 56-60).

***Allowable Subject Matter***

Claims 1-14 allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or adequately suggest a method for preparing an anodized electrode wherein the effective surface area increase of the porous coating would be implemented by increasing the pore volume of the porous coating or increasing the average pore width of the porous coating.

### ***Response to Arguments***

Applicant's arguments filed 15 October 2007 have been fully considered but they are not persuasive.

First, the Applicant primarily argues that it would be clear from practical examples that in contrast to Ue et al. ('661) that such salts and acids do not remain in the anodized electrodes. In response, the arguments of counsel cannot take the place of evidence in the record. MPEP 2145.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JR

  
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**SUPERVISORY PATENT EXAMINER**  
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